IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 1443 OF 2007

Shri Sunil Madhukar Waghmare .... Petitioner

Vs.

The State of Maharashtra .... Respondent

Mr. Ejaaz N. Shaikh for the Applicant.
Mr. K.V. Saste, A.P.P.

CORAM : R.S. MOHITE, J.
DATE : 29TH JUNE, 2007

P.C.

1) This is a second application for grant of bail.

2) I have rejected the bail by order dtd. 21st June 2006. It is contended that there is a change in the circumstances in the sense that the only brother of the applicant has expired. After the last order was passed, there was nobody to look after the mother of applicant, who is 50 years old and also ailing.

3) It appears from the record that the trial has commenced and the first witness Dr. Shivaji Nagorao Pimpale has been examined. It is noticed from his evidence that he has stated that the C.A.

Report is not received and therefore he has not opined as to the cause of the death. It is contended that non furnishing of CA's report will prejudice the defence. In my view, if the C.A. report is not produced, that will be a circumstance prejudicial to the prosecution rather than the defence. In the circumstances, I am only inclined to expedite the trial. The trial may be proceeded expeditiously and completed within a period of four months from the date of receipt of the writ.

4) Application is disposed off.

(R.S. MOHITE, J.)